

OFFICIAL COPY

Fresno, California

December 18, 2001

The City Council met in joint session with the Redevelopment Agency at the hour of 8:30 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Councilmember
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember (arrived later)
	Dan Ronquillo	Acting Council President
	Henry Perea	Council President

Dan Hobbs, City Manager  
Andy Souza, Assistant City Manager  
Hilda Cantu Montoy, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Councilmember Duncan advised radio talk show host Ray Appleton suffered a stroke during the weekend and stated prayers were with him and extended wishes for a speedy recovery.

APPROVE AGENCY MINUTES OF DECEMBER 11, 2001

On motion of Councilmember Castillo, seconded by President Perea, duly carried, RESOLVED, the Agency minutes of December 11, 2001, approved as submitted.

**(“B”)** HEARING ON APPROVAL OF A DISPOSITION AND DEVELOPMENT AGREEMENT (DDA) BETWEEN THE REDEVELOPMENT AGENCY AND AB PARKING FACILITIES, LLC, FOR AGENCY-OWNED PROPERTY AT THE NORTHEAST CORNER OF BROADWAY AND THE MARIPOSA MALL

1. RESOLUTION - APPROVING THE DDA AND MAKING CERTAIN FINDINGS PURSUANT TO THE HEALTH AND SAFETY CODE (CONTINUE TO JANUARY 8, 2002, AT 8:30 A.M.)

Continued as noted.

**(“A”)** DIRECTION TO STAFF TO PREPARE CLEAN UP AMENDMENTS TO THE DEVELOPMENT AGREEMENT AND LAND SALE CONTRACT BETWEEN COMMUNITY MEDICAL CENTER, THE CITY OF FRESNO AND THE REDEVELOPMENT AGENCY RELATED TO THE REGIONAL MEDICAL CENTER CAMPUS PROJECT AND ESTABLISH A \$3.5 MILLION RESERVE FUND (COUNCIL AND AGENCY ACTION)

Laid over to the 2:00 p.m. #4 joint session with the Redevelopment Agency and Recreational Facilities Financing Authority this date.

**(“C”)** DISCUSSION AND DIRECTION REGARDING DESIGNATION OF A SURVEY AREA FOR THE

PROPOSED HIGHWAY 99-GOLDEN STATE BOULEVARD CORRIDOR REDEVELOPMENT PLAN AREA  
**1. RESOLUTION NO. 01-402 - DESIGNATING A SURVEY AREA FOR THE PROPOSED FREEWAY 99-GOLDEN STATE BOULEVARD CORRIDOR FOR REDEVELOPMENT STUDY PURPOSES**

Redevelopment Administrator Murphey gave a brief overview of the staff report as submitted and a motion and second was made to approve staff's recommendation. Councilmember Calhoun and Acting President Ronquillo spoke in support and to the importance of the issue.

On motion of Councilmember Calhoun, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 01-402 hereby adopted, and staff directed to proceed with the preparation of Redevelopment Planning studies to determine the feasibility of a Redevelopment Plan for the Freeway 99-Golden State Corridor Redevelopment Survey Area, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Ronquillo, Duncan
Noes	:	None
Absent	:	Quintero

**(“D”)** RECEIVE REPORT REGARDING A PROJECT PROPOSAL FROM HARON JAGUAR-LAND ROVER DEALERSHIP FOR PROPERTY AT 2222 VENTURA, AND PROVIDE AGENCY STAFF WITH DIRECTION CONCERNING FURTHER CONSIDERATION OF THE PROJECT AND PREPARATION OF AN OWNER PARTICIPATION AGREEMENT (OPA) AND A DISPOSITION AND DEVELOPMENT AGREEMENT (DDA) WITH HARON JAGUAR-LAND ROVER DEALERSHIP (AGENCY ACTION)

Redevelopment Administrator Murphey reviewed the issue as contained in the staff report as submitted. Councilmember Quintero arrived at 8:39 a.m.

Expanding further on the issue/project and requesting the Agency's support were James Haron, representing Haron Jaguar, and Dirk Poeschel, 2310 Tulare Street.

Acting President Ronquillo expressed his full support stating this was a golden opportunity for jobs, tax base and blight removal, and made a motion to approve staff's recommendation, which motion was seconded and acted upon after brief discussion. Ms. Murphey responded to questions of Councilmember Boyajian relative to how property to the south would be affected and if staff had seen the plans. Councilmember Boyajian, President Perea, Councilmember Quintero and Chair Duncan spoke in support and thanked the Haron family for their commitment to downtown.

On motion of Acting President Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, Agency staff directed to consider the project further and develop a Disposition and Development Agreement that would be beneficial to the City, the Agency and Haron Jaguar, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

timeline.

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The joint bodies recessed to 2:00 p.m. and the City Council convened in regular session at 8:50 a.m.

**RESOLUTIONS OF COMMENDATION TO JIMMY ASHCRAFT, HARRY BEDROSIAN, WALTER VRMEER  
AND CLIFFORD MORRISON FOR PROVIDING ASSISTANCE TO THE POLICE DEPARTMENT**

Read and presented.

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**APPROVE CITY COUNCIL MINUTES OF DECEMBER 11, 2001**

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the minutes of December 11, 2001, approved as submitted.

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**APPROVE AGENDA:**

**(2A) WORKSHOP ON POLICY DIRECTION RELATED TO THE PROCESSING OF CONDITIONAL USE  
PERMITS (CUP's) GOVERNING THE SALE OF ALCOHOL**

Set for 10:05 A.M. this date for public convenience.

**REQUEST FOR STAFF REPORT ON JANUARY 8, 2002, ON THE POLICE TACTICAL UNIT - PRESIDENT  
PEREA**

Request made.

**REQUEST FOR TRAY MEMO OR STAFF REPORT ON THE STATUS OF THE SANTA FE DEPOT -  
COUNCILMEMBER CALHOUN**

Request made with City Manager Hobbs and City Attorney Montoy responding.

On motion of Councilmember Quintero, seconded by Councilmember Calhoun, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(1A-1a.)** AUTHORIZE THIRD PARTY LEASING FOR TWO TO FOUR NEW CLASS 8 DUMP TRUCKS AND TWO TO FOUR CLASS 7 CREW CAB TRUCKS; AWARD A CONTRACT TO CENTRAL VALLEY TRUCK IN THE AMOUNT OF \$167,875.63 FOR BID FILE 2252, ITEM 1 (TWO NEW CLASS 8 DUMP TRUCKS); AWARD A CONTRACT TO GIBBS INTERNATIONAL IN THE AMOUNT OF \$96,757.03 FOR BID FILE 2253, ITEM 1 (TWO NEW CLASS 7 CREW CAB TRUCKS); AND AUTHORIZE THE PURCHASE OF UP TO FOUR TRUCKS UNDER EACH BID TO ACCOMMODATE FUTURE CONCRETE CREW NEEDS, BASED ON AVAILABLE FUNDING

**(1A-5a.)** CONSIDER CONTINUATION OF RESOLUTION NO. 01-337 PROCLAIMING A LOCAL EMERGENCY IN AND AROUND THE FRESNO YOSEMITE INTERNATIONAL (FYI) AIRPORT BASED UPON THE THREAT OF ENEMY ATTACK OR SABOTAGE

**1. \* RESOLUTION NO. 01-403 -** CONTINUING RES. 01-337 PROCLAIMING A LOCAL EMERGENCY IN AND AROUND FYI BASED UPON CONTINUING EXISTENCE OF FACTS AND CIRCUMSTANCES OF THE THREAT OF ENEMY ATTACK OR SABOTAGE

(\*NOTE: Later in the meeting City Attorney Montoy advised the resolution was corrected so that it could be brought back on January 8<sup>th</sup>, 2002, and not within the required 14 days.)

**(1A-7a.) RESOLUTION NO. 01-404 -** APPROVING THE FINAL MAP OF TRACT NO. 4723 LOCATED AT THE NORTHEAST CORNER OF W. ALLUVIAL AVENUE AND W. RIVER VISTA DRIVE, PHASE I OF VESTING TENTATIVE MAP NO. 4723

**1. RESOLUTION NO. 01-405 -** CERTIFYING SEGREGATION OF EXISTING ASSESSMENTS TO EACH OF THE NEW PARCELS BEING CREATED BY TRACT NO. 4723

**2. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR TEMPORARY OFF-SITE STREET FACILITIES**

**3. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR ACKNOWLEDGMENT OF PROXIMITY TO AIRPORT OPERATIONS**

**(1A-7b.) RESOLUTION NO. 01-406 -** APPROVING THE FINAL MAP OF TRACT NO. 4911 LOCATED AT THE SOUTHWEST CORNER OF N. WILLOW AND E. PERRIN AVENUE

**1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE**

**2. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING AN DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, THE STATEMENT OF COVENANTS FOR PLANNING AND MAINTAINING FRONT YARD TREES, AND THE STATEMENT OF COVENANTS FOR RIGHT TO FARM**

**(1A-11a.) RESOLUTION NO. 01-407 -** APPROVING APPLICATION FOR AND ACCEPTANCE OF A

CALIFORNIA DEPARTMENT OF HEALTH SERVICES LOCAL ENFORCEMENT OF TOBACCO CONTROL LAW GRANT AND AUTHORIZE THE CHIEF OF POLICE TO EXECUTE AND SUBMIT ALL DOCUMENTS  
**1. \* RESOLUTION NO. 01-408 - 59<sup>TH</sup> AMENDMENT TO AAR 01-200 APPROPRIATING \$81,600 FOR THE TOBACCO ENFORCEMENT GRANT**

**2. \* RESOLUTION NO. 01-409 - 10<sup>TH</sup> AMENDMENT TO PAR 01-201 ADDING ONE POLICE OFFICER POSITION FOR THE LOCAL ENFORCEMENT OF TOBACCO CONTROL LAWS**

**(1A-11b.) AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF FRESNO TO RECEIVE FUNDING FOR THE CALIFORNIA MULTI-JURISDICTIONAL METHAMPHETAMINE ENFORCEMENT TEAMS (CAL-MMET) PROGRAM**

**1. \* RESOLUTION NO. 01-410 - 50<sup>TH</sup> AMENDMENT TO AAR 01-200 APPROPRIATING \$367,900 FOR THE CAL-MMET GRANT**

**2. \* RESOLUTION NO. 01-411 - 9<sup>TH</sup> AMENDMENT TO PAR 01-201 ADDING TWO POLICE OFFICER POSITIONS AND ONE POLICE SERGEANT FOR THE CAL-MMET PROGRAM**

**(1A-11c.) RESOLUTION NO. 01-412 - AUTHORIZING THE PURCHASE OF ONE SKID PLATFORM SYSTEM FOR THE POLICE DEPARTMENT "POST" TRAINING WITHOUT COMPETITIVE BIDDING UNDER THE SOLE SOURCE EXCEPTION**

**1. \* RESOLUTION NO. 01-413 - 60<sup>TH</sup> AMENDMENT TO AAR 01-200 TRANSFERRING \$103,400 OF CONTINGENCY TO FUND "POST" TRAINING**

On motion of Acting President Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(3A) APPROVE FIRST AMENDMENT TO CITY AGREEMENTS WITH FRESNO COUNTY AND NESTOR TRAFFIC SYSTEMS, INC., ON THE RED LIGHT ENFORCEMENT PROJECT**

Traffic Engineer Padilla gave a brief overview of the issue as contained in the staff report as submitted and along with City Attorney Montoy responded to questions of Councilmember Duncan relative to status of the Herndon/Blackstone location, if the power problems had been resolved there, why equipment was installed when power was lacking, and if Nestor would be in violation of the contract if the subject extension was granted and they did not complete the project. Councilmember Duncan stated he has been very supportive of the cameras but was very frustrated with the delays adding the project was becoming a joke, advised he would support the extension request but none hereafter stressing a lot of staff time was being expended on the project, and made a motion to approve the amendment with the clarification that all hard costs will be borne by Nestor as recommended by Public Works Director Williamson.

Discussion ensued. District 2 Council Assistant Kloose responded to questions of Councilmember Boyajian relative to the original intersections chosen and why they kept changing, criteria used in choosing the intersections, if

Nestor officials visited the intersections to determine viability, and if the project would be completed by August 2002. **(2 - 0)** Acting President Ronquillo expressed his concern stating he did not feel the project was materializing to what he thought it would eventually evolve to emphasizing promises were made and elaborated, with Ms. Kloose responding. Councilmember Quintero also expressed his frustration and concurred this was becoming a joke, questioned (1) why Nestor officials were not present to answer questions, (2) why a second intersection was being worked on when the first one was not “squared away”, (3) if it was possible to add language to the contract stating another company would be brought in if Nestor did not comply by August 2002, and (4) if there were any liability issues since an agreement was signed with the county on fees, with Mr. Padilla and Ms. Montoy responding. Councilmember Quintero requested a report from staff on how much the project has cost the city to date, including staff time.

President Perea recommended the matter be held over to the afternoon session for Nestor’s presence. Councilmember Castillo made a motion to table the matter to January 8 2002, to (1) determine who would bear the extra costs and include that in the contract, and (2) to determine the other exact locations. Upon call, the motion died for lack of a second. By Council consensus, the matter was laid over to 2:00 p.m.

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**(9:30 A.M.) DIRECT CITY MANAGER TO DIRECT STAFF TO CONDUCT A REVIEW INCLUDING ANY APPLICABLE ENVIRONMENTAL ASSESSMENTS AND PREPARE DOCUMENTS FOR A KINGS CANYON BOULEVARD MASTER PLAN BETWEEN FIRST STREET AND CHESTNUT AVENUE - COUNCILMEMBER QUINTERO**

Councilmember Quintero briefly reviewed the artscape concept stating this would be similar to the Fulton Mall art plan to some degree, and made a motion to direct staff as outlined, which motion was seconded and acted upon after brief discussion. Councilmember Calhoun stated he wanted like to see this go through staff first with a report back with City Manager Hobbs concurring, whereupon Councilmember Quintero clarified his motion did call for a staff review. Upon question of Acting President Ronquillo Councilmember Quintero clarified the art would be the type to be enjoyed while riding in vehicles -- not for pedestrians to view on median islands, and upon question of Councilmember Boyajian confirmed this was another piece of the Ventura/Kings Canyon improvement concept. Councilmember Duncan commended Councilmember Quintero on the issue.

On motion of Councilmember Quintero, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the City Manager directed to direct staff to conduct a review, including any applicable environmental assessments, and prepare documents for a Kings Canyon Boulevard Master Plan between First Street and Chestnut Avenue, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**138-269**

**12/18/01**

**(5A) DIRECT CITY ATTORNEY TO DRAFT AN ORDINANCE ESTABLISHING A COMPETITIVE PROCESS PERTAINING TO THE HIRING OF CONSULTANTS BY THE CITY OF FRESNO - COUNCILMEMBER CASTILLO**

Reviewed by Councilmember Castillo who stated the intent was to have a fair and competitive process when hiring consultants and requested, if possible, that the hiring of consultants be halted until something is presented to Council to review. Councilmember Boyajian stated he wanted to see noticing go to all professionals stating it seemed like the same consultants were always being used and questioned if noticing and qualification standards would be included in the report back, with Councilmember Castillo responding and clarifying this would be for consultants used for administrative purposes. City Manager Hobbs concurred there was a need for a formalized process and emphasized it was staff's desire to assure that any process that is utilized does not create additional red tape or slow down the process or projects and explained. Councilmember Duncan concurred with Mr. Hobbs stating it was critical that the process not be slowed down, stressed the city manager needed to be provided with more tools to conduct city business, and cautioned Council about lowering standards and micro-managing and explained. Councilmember Calhoun stated he would not be supporting the issue at this time stating the process was not broken and added adjustments could be made if needed, and spoke in support of continuing with and monitoring the current process. Acting President Ronquillo stated he had no problem with micro-managing when it saved the city money and explained, and stated good management meant foresight and the ability to predict what type of services and consultants would be needed in the near future and engage in an RFP process so Council could review experts that may be needed. Mr. Hobbs stated he would look at that suggestion and reiterated his concern was the need to move quickly and added he felt Council was focusing on the wrong end of the telescope citing the current \$22 million in consultant work out there and explained.

Lengthy discussion ensued with Mr. Hobbs, Assistant City Manager Souza and City Attorney Montoy responding to questions, comments and/or clarifying issues relative to the current process, consultants being hired for implementation purposed, the Blue Ribbon Committee's recommendation for a \$100,000 threshold not applying to consultants, Councilmember Castillo clarifying he was not concerned with utilizing specialized consultants to move quickly but with the high cost spent to date on consultants not included in the approved budget, staff being able to implement the Macias recommendations, there being a weakness in management if a consultant has to be hired to implement another consultant's recommendation, process for interested companies to get on city's main data base for various services, situations that warrant the hiring of a consultant **(3 - 0)**, if the proposed direction would take away some of the city manager's power, if other cities' policies have been looked at by staff, this matter being a policy issue and not a legal one, and concern with where funds come from when consultant costs are not budgeted.

On motion of Councilmember Castillo, seconded by President Perea, dully carried, RESOLVED, the City Attorney directed to draft an ordinance establishing a competitive process pertaining to the hiring of consultants by the City of Fresno, by the following vote:

Ayes	:	Boyajian, Castillo, Ronquillo, Perea
Noes	:	Calhoun, Duncan, Quintero
Absent	:	None

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President Perea announced the time had arrived to consider the issue and opened the hearing. Supervising Engineer Phillips gave a brief overview of the staff report as submitted. Acting President Ronquillo spoke in support, made a motion to approve staff's recommendation, and responded briefly to questions of Councilmembers Castillo and Boyajian relative to whether American Ambulance would continue to occupy the site and time frame for the project.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Acting President Ronquillo, seconded by Councilmember Castillo. Duly carried, RESOLVED, the above entitled Resolution No. 01-414 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(10:15 A.M. #1) HEARING ON PLAN AMENDMENT NO. A-01-23, REZONING APPLICATION NO. R-01-37 AND ENVIRONMENTAL FINDINGS, FILED BY ROBERT DIEL, PROPERTY LOCATED ON THE NORTHEAST CORNER OF W. BULLARD AND N. FIGARDEN DRIVE**

**1. CONSIDER AND ADOPT NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-01-23, R-01-37, C-01-144**

**2. RESOLUTION NO. 01-415 - AMENDING THE BULLARD COMMUNITY PLAN**

**3. BILL NO. B-100 - ORDINANCE NO. 01-91 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM AND R-A/UGM TO C-2/BA-20/UGM/cz, C-P/UGM/cz AND M-1/BA-20/UGM/cz**

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Stiglich reviewed the issue as contained in the staff report as submitted and recommended approval subject to the conditions outlined.

Speaking in support of the project and/or to the conditions were: Dirk Poeschel, 2310 Tulare Street, representing the applicant; Steve Gross, 2782 W. Celeste; and Joni Johnson.

Upon call, no one else wished to be heard and President Perea closed the public hearing.

Councilmember Calhoun spoke in support of the project and made a motion to approve staff's recommendation, which motion was seconded and acted upon after brief discussion. Mr. Stiglich responded to questions of Councilmember Boyajian relative to whether apartments would be part of the project and Councilmember Boyajian and Acting President Ronquillo spoke in support and thanked the applicant for his investments.

On motion of Councilmember Calhoun, seconded by Acting President Ronquillo, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-01-23, R-01-37, C-01-144 dated November 9, 2001, hereby approved; the above entitled Resolution No. 01-415 hereby adopted; and the above entitled Bill No. B-100 approving Rezoning Application No. R-01-37 adopted as Ordinance No. 01-91 subject to development



of the site in conformance with the requirements of Conditional Use Permit Application No C-01-144 and Exhibit “A” of the staff report dated November 26, 2001, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(10:15 A.M. #2) HEARING ON PLAN AMENDMENT NO. A-01-26, REZONING APPLICATION NO. R-01-40 AND ENVIRONMENTAL FINDINGS, FILED BY SAMLUCIDO, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF E. PERRIN AND N. MATUS AVENUES**

**1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-01-26, R-01-40**

**2. RESOLUTION NO. 01-416 - AMENDING THE WOODWARD PARK COMMUNITY PLAN**

**3. BILL NO. B-101 - ORDINANCE NO. 01-92 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20/UGM TO R-P/UGM**

President Perea announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to approve staff’s recommendation.

Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Councilmember Quintero, seconded by Councilmember Castillo, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-01-26, R-01-40, S-01-300 dated November 9, 2001, hereby approved; the above entitled Resolution No. 01-416 hereby adopted; and the above entitled Bill No. B-101 adopted as Ordinance No. 01-92, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

Councilmember Duncan thanked the builder for his investment.

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**(2A) WORKSHOP ON POLICY DIRECTION RELATED TO THE PROCESSING OF CONDITIONAL USE PERMITS (CUPs) GOVERNING THE SALE OF ALCOHOL**

Planning and Development Director Yovino reviewed the history of the alcohol CUP process and policy at length noting the previously directed policy had been maintained and carried out since 1997 and requested Council input on any concerns with projects in over-concentrated areas so alternatives could be looked at.

**138-272**

**12/18/01**

Chris Weldon, Alcohol Beverage Control (ABC), gave a brief overview of ABC’s process including the purpose of tract maps and concentration versus over-concentration by census tracts.

Speaking to the issue were: Barbara Hunt, 612 “F” Street; Dirk Poeschel, 2310 Tulare Street; Mr. Sethi; and

John Shehady, Shop-N-Go Markets.

Lengthy discussion ensued with Mr. Yovino, City Attorney Montoy and Ms. Weldon responding to questions and comments by Council and speakers relative to the purpose of the ordinance being to deal with irresponsible businesses, number of alcohol CUPs denied by staff and Council, number of revocations, **(4 - 0)** if other cities had CUP processes, options for enforcement if the ordinance was not in place, high cost for a CUP, meaning of over-concentration, why census tracts were used if there was a link between residential alcohol sales and crime, if the process was in fact working if 12-22 CUPs had been denied, cost of a CUP being a barrier to small businesses wanting to grow, need to address the issue of irresponsible sellers, need for Fresno's ordinance to be similar to comparably sized cities, the State being unable to overturn the city's decisions, need to look at alcohol sales' compatibility to land uses, need for balance in enforcement, crime statistics and impact on surrounding neighborhoods, need to be sensitive to zones where growth is desired and looking at impacts to neighborhoods at the same time, the issue being monitoring and not loosening the code, over-concentration causing blight, staff following prior Council direction, businesses not being totally at fault for crime statistics, and holding establishments accountable. No action was required and there was no further discussion.

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**(10:20 A.M.) HEARING ON CONDITIONAL USE PERMIT APPLICATION NO. C-01-179 AND ENVIRONMENTAL FINDINGS FILED BY GEORGE DONOVAN, PROPERTY LOCATED AT THE SOUTHEAST CORNER OF N. PALM AND W. HERNDON RELATING TO A COMMERCIAL AND OFFICE DEVELOPMENT PROJECT**

- 1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. C-01-179**
- 2. RESOLUTION NO. 01-417 - APPROVING CONDITIONAL USE PERMIT NO. C-01-079**

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Rodriguez gave a brief overview of the issue as contained in the staff report as submitted and a motion and second was made to approve staff's recommendation.

Dirk Poeschel, 2310 Tulare Street, on behalf of the applicant, gave a brief overview, requested approval, and responded to questions of President Perea relative to the intended use and if there were any issues associated like Ralph's relative to over-competition or opposition.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Councilmember Calhoun spoke in support of the project stating it would be a real asset to the community and advised Mr. Donovan met many times with neighborhoods on the mixed-use project and added this would be a very attractive center unlike the strip malls.

Mr. Poeschel, Chief Engineering Technician Madewell, and Planning/Development Director Yovino responded to questions and/or comments of Councilmembers Castillo, Boyajian and President Perea relative to whether Von's and offices would be the only uses, other planned uses, traffic concerns, Herndon traffic rating, if mitigation measures were

still needed, if a promise was made for no supermarket at the site **(5 - 0)** (with Councilmember Boyajian stating he could not support the motion for consistency), Councilmember Duncan clarifying the Von's at Friant and Fresno Street would no longer occur upon approval of this project, Councilmember Calhoun clarifying significant mitigating took place and the developer worked with the neighbors and alleviated their concerns on the supermarket, Councilmember Castillo stating he lived behind a commercial center and the neighbors did not know what they were going to face with the supermarket and explained, and if the nearby Wal-Mart would be selling groceries.

The public hearing was reopened and Erin Ould, 5620 N. Thorne, requested the property be kept as fig trees; and Farid Assemi, 1396 W. Herndon, spoke to the promise made by Mr. Peterson and to the substantial efforts the Donovans' made with the neighbors.

On motion of Councilmember Quintero, seconded by Acting President Ronquillo, duly carried, RESOLVED, the Mitigated Negative Declaration dated November 21, 2001, for CUP No. C-01-179 and Parcel Map No. 2001-10 hereby approved; and the above entitled Resolution No. 01-417 hereby adopted subject to compliance with the Conditions of Approval listed in the staff report, by the following vote:

Ayes	:	Calhoun, Duncan, Quintero, Ronquillo, Perea
Noes	:	Boyajian, Castillo
Absent	:	None

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**(10:30 A.M.) HEARING ON PLAN AMENDMENT NO. A-01-26, REZONING APPLICATION NO. R-01-010, REZONING APPLICATION NO. R-01-013 AND ENVIRONMENTAL FINDINGS, FILED BY THANH VAN CAO, PROPERTY LOCATED ON THE EAST SIDE OF N. CEDAR SOUTH OF E. MCKINLEY AVENUE**

**1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-01-10, R-013**

**2. RESOLUTION NO. 01-418 - AMENDING THE ROOSEVELT COMMUNITY PLAN**

**3. BILL NO. B-102 - ORDINANCE NO. 01-93 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1 TO C-5/cz**

President Perea announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to approve staff's recommendation. Councilmember Boyajian and Acting President Ronquillo spoke in support of the project and commended the applicant, and Planner Beedle and an interpreter for Mr. Van Cao responded briefly to questions relative to the commercial use being planned.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Castillo, seconded by Acting President Ronquillo, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-01-010, R-01-013 dated May 25, 2001, hereby approved; the above entitled Resolution No. 01-418 hereby adopted; and the above entitled Bill No. B-102 adopted as Ordinance No. 01-93, by the following vote:

**138-274**

**12/18/01**

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(10:45 A.M.) HEARING ON CONDITIONAL USE PERMIT APPLICATION NO. C-01-184 AND ENVIRONMENTAL FINDINGS, FILED BY JEFF ROBERTS ON BEHALF OF GRANVILLE HOMES, PROPERTY LOCATED AT 2670 E. NEES (NORTH SIDE OF E. NEES BETWEEN N. CHESTNUT AND N. WILLOW AVENUES)**

**1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. C-01-184**

**2. RESOLUTION NO. 01-419 - APPROVING CONDITIONAL USE PERMIT NO. C-01-184**

President Perea announced the time had arrived to consider the issue and opened the hearing. Councilmember Duncan spoke in support and made a motion to approve staff's recommendation, which motion was seconded and acted upon after brief discussion.

Speaking in support of the issue were: Jeff Roberts, Granville Homes; and Barbara Hunt, 612 "F" Street. Councilmember Boyajian commended the developer, Mr. Assemi, and upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, **RESOLVED**, the Mitigated Negative Declaration for Environmental Assessment No. C-01-184, dated October 26, 2001, hereby approved, and the above entitled Resolution No. 01-419 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(11:00 A.M.) HIGH SPEED RAIL ALIGNMENT AND DOWNTOWN FRESNO STOP LOCATION VOTE BY THE HIGH SPEED RAIL AUTHORITY, JANUARY 16, 2002**

**1. RESOLUTION NO. 01-420 - SUPPORTING THE PROPOSED HIGH SPEED RAIL PROJECT AND DOWNTOWN FRESNO STOP ON THE CURRENT UNION PACIFIC RAIL (UPRR) ALIGNMENT**

A motion and second was made to adopt the resolution. Acting President Ronquillo and Councilmember Calhoun commented briefly on the issue and Councilmember Calhoun commended John Ferdinandi, Senator Costa, Mayor Autry, the City Council and the citizens stating this was a good team effort.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, **RESOLVED**, the above entitled Resolution No. 01-420 hereby adopted, by the following vote:

**138-275**

**12/18/01**

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**LUNCH RECESS - 11:59 A.M. - 2:04 P.M.** Acting President Ronquillo arrived later in the meeting.

**(1A-13a.) APPROVE AN AMENDMENT TO THE AGREEMENT WITH BLAIR, CHURCH & FLYNN FOR TRANSPORTATION ENGINEERING SERVICES FOR IMPROVEMENTS TO FRIANT ROAD BETWEEN AUDUBON AND SHEPHERD AVENUES**

Councilmember Calhoun noted he had been working real hard to get a sound wall for his constituents south of Audubon along Freeway 41 and along with Councilmember Castillo presented questions relative to why this one was being installed, if the process for sound walls was the same for south of Audubon, funding, and who conducts noise studies, with Chief Engineering Technician Madewell responding and clarifying issues. Councilmember Calhoun requested he be kept in the loop and made a motion to approve staff's recommendation, which motion was seconded by Councilmember Duncan who commended staff for the improvements on Friant.

Mr. Madewell and Public Works Director Williamson responded to questions of Councilmembers Castillo, Calhoun, Boyajian and President Perea relative to the use of a private consultant, city equipment used in District 4, how sound walls could be placed as priorities, budgeting funds for sound walls, funding source for the subject improvements and if funds would be taken from other city projects, need for a sound wall at Freeway 41 and Dakota, sound walls being on the regional list, and using Measure "C" funds.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the amendment to the agreement with Blair, Church & Flynn in the amount of \$12,200 hereby approved, and the City Manager/Designee authorized to sign the amendment on behalf of the City, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

**(1A-13b.) APPROVE AN AMENDMENT TO THE AGREEMENT WITH BOYLE ENGINEERING CORPORATION TO PROVIDE PROFESSIONAL LANDSCAPE ARCHITECTURAL/ENGINEERING SERVICES FOR A REGIONAL PARK/SPORTS COMPLEX AT THE FRESNO SANITARY LANDFILL**

Public Works Director Williamson, Chief Engineering Technician Banuelos and Parks Manager McHatten responded to comments, questions and concerns of Councilmember Calhoun relative to the agreement being amended five times and the resulting costs, funding source, if additional amendments were anticipated in the future, and why the additional services were not included with the last amendment, with Councilmember Calhoun stating he would not be supporting the matter.

Mr. Williamson, Mr. Banuelos, Mr. McHatten and Assistant City Manager Souza responded to questions of Councilmember Boyajian and/or clarified issues relative to the complex and landscaping, when the project would be

completed, if staff had received any inquiries from leagues, who was initiating the change orders **(6 - 0)**, type of material that would be used over the landfill area, if parks had ever been constructed over landfills, and type of landscaping materials that would be used.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the amendment to the agreement with Boyle Engineering Corporation in the amount of \$22,182 hereby approved, and the City Manager/Designee authorized to sign the amendment on behalf of the City, by the following vote:

Ayes	:	Boyajian, Duncan, Quintero, Perea
Noes	:	Calhoun, Castillo
Absent	:	Ronquillo

**(1A-13c.) APPROVE PUBLIC WORKS POLICY FOR THE INSTALLATION OF CURB RAMPS AS PART OF RE-PAVING AND RE-SURFACING OF CITY STREETS AND AS REQUIRED BY THE AMERICANS WITH DISABILITIES ACT (ADA)**

**1. RESOLUTION NO. 01-421 - REQUIRING THE INSTALLATION OF CURB RAMPS AS PART OF RE-PAVING AND RE-SURFACING OF CITY STREETS**

Councilmember Calhoun stated this was a policy issue and should not have been placed on the consent calendar and upon his request for clarification purposes Public Works Director Williamson and City Attorney Montoy reviewed the policy and responded to questions relative to implications, ADA requirements, why a written policy was needed, long-term costs to meet ADA requirements, and the policy being a major proactive step with significant impacts on public works. Acting President Ronquillo arrived at 2:40 pm.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 01-421 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

**(1A-15a.) APPROVE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH THE TWINING LABORATORIES, INC., FOR INSPECTION AND TESTING FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT TERMINAL/CONCOURSE EXPANSION PROJECT UNDER FAA AIP GRANT NOS. 3-06-0087-22, 24, 25, 28, 29, 31, 32, 34 AND 35**

Airports Development Manager Card, City Attorney Montoy and Airports Director Hayes clarified issues and/or responded to questions of Councilmembers Calhoun and Castillo relative to concern with this being the beginning of a number of costs associated with the delay, if the cost overrun had been scheduled before the Dispute Resolution Board, if the inspections and cost overruns were a result of the project being off-schedule or part of the process, why a mock-up model was not made up to foresee some of the complexities that now have to be paid for, a preliminary staff

incurred due to the delay or complexities of the project.

On motion of Acting President Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, Amendment No. 1 to the Agreement with The Twining Laboratories, Inc., for the FYI Terminal/Concourse Expansion Project for inspection and testing services hereby approved, subject to FAA approval, and the Public Works Director and the Director of Transportation authorized to sign the amendment on behalf of the City, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(3A) APPROVE THE FIRST AMENDMENT TO THE CITY AGREEMENTS WITH THE COUNTY OF FRESNO AND NESTOR TRAFFIC SYSTEMS, INC., FOR THE RED LIGHT ENFORCEMENT PROJECT (CONTINUED FROM EARLIER IN THE MEETING)**

Julie Dixon, Nestor Traffic Systems, 8912 Revelstoke Way, San Diego, responded to questions of Councilmember Calhoun relative to why problems were still occurring. Councilmember Calhoun clarified Fresno County approved the amendment on December 11<sup>th</sup> and encouraged Council to move forward and not set up any impediments. Discussion ensued with Ms. Dixon, City Attorney Montoy, Public Works Director Williamson and Traffic Engineer Padilla responding to questions of Councilmembers Castillo, Quintero, Boyajian, Duncan and Acting President Ronquillo relative to who would bear all costs, if it was necessary to approve the amendment this date without knowing who exactly would be responsible for the costs (with Ms. Dixon stating that was a gray area and not specifically addressed in the contract and Ms. Montoy stating the agreement provided that this was a turn key system for the city and Nestor was the responsible party with Mr. Williamson concurring and expanding further on the power issue), if hard costs included any unforeseen costs, inconsistency with the three intersections, why a second intersection was being worked on when the first one was not at full power, why Nestor agreed to the Herndon/Blackstone intersection not knowing what infrastructure was there, if the city was conducting some of the work Nestor should be doing, completion dates for the three intersections, Councilmember Quintero stating he could not support the way the matter was heading, the high visibility of the equipment and the earlier understanding the equipment would not be that visible, and if the power situation was a surprise to Nestor.

President Perea noted a motion was on the floor to approve the amendment with all hard costs to be borne by Nestor, whereupon Ms. Montoy recommended the language “*as required by the existing contract*” be added, which language was accepted by the motion maker. Councilmember Duncan reiterated he would not support another extension request after this with Ms. Dixon stating Nestor would look to complete the project in advance of August 31, 2002. Brief discussion ensued with Ms. Dixon responding to questions of Acting President Ronquillo relative to whether the project would have been completed by now if the power problems had not come up, if it was normal to take one year to get one camera operational, the original impression being the project would not be this timely or costly, ability to retrofit a few intersections and move cameras around, and **(7 - 0)** number of cameras anticipated to be retrofitted in the future.

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED,

the first amendment to the City of Fresno agreements with Fresno County and Nestor Traffic Systems, Inc., for the Red Light Enforcement Project hereby approved with all costs to be born by Nestor Traffic Systems, Inc., as required by the existing contract, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes	:	Quintero
Absent	:	None

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**(2:00 P.M. #2) REGULAR CLOSED SESSION:**

**(“A”) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - CASE NAME: PATRIOT HOMES V. CITY OF FRESNO**

**(“B”) THREAT TO PUBLIC SERVICES OR FACILITIES - CONSULTATION WITH POLICE DEPARTMENT AND POLICE CHIEF DYER**

**(“C”) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME: CITY OF FRESNO V. FRESNO DIAMOND GROUP**

**(2:00 P.M. #3) JOINT CLOSED SESSION WITH THE RECREATIONAL FACILITIES FINANCING AUTHORITY AND THE REDEVELOPMENT AGENCY:**

**(“D”) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - CASE NAME: PALM LAKES GOLF COURSE PROPERTY: 5088 E. DAKOTA AVENUE  
NEGOTIATING PARTIES: CITY OF FRESNO, REDEVELOPMENT AGENCY AND PETER STRAVINSKI  
UNDER NEGOTIATIONS: CONSIDERATION AND TERMS OF STRAVINSKI OFFER TO CONVEY ALLEGED PROPERTY INTEREST TO A PUBLIC ENTITY**

The City Council met in closed session in Room 2125 at the hour of 3:20 p.m. to consider the above issues and reconvened in regular open session at 5:17 p.m.

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**(3:30 P.M.) WASTEWATER WORKSHOP - SUMMARY REPORT OF FRESNO/CLOVIS DISCUSSIONS, SATELLITE TREATMENT STUDY, SOUTHEAST SEWER CAPACITY, REGIONAL FACILITY CAPACITY AND PERMIT ISSUES, COLLECTION SYSTEM REHABILITATION, GENERAL PLAN AND ECONOMIC DEVELOPMENT IMPLICATIONS**

The workshop was laid over to January 8, 2002, and Interim Public Utilities Director McIntyre was authorized to negotiate with Clovis and take independent actions and update Council on the 8th.

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**\*\* Councilmember Quintero advised he would be leaving the meeting around 6:30 p.m. for a prior appointment.**

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**(4:15 P.M.) RECEIVE INFORMATION REGARDING A REQUEST FROM THE DEPARTMENT OF JUSTICE**



## DRUG ENFORCEMENT ADMINISTRATION FOR RESOLUTION TO PARKING ISSUES IN THE DOWNTOWN AREA. REQUEST COUNCIL DIRECTION FOR RESOLUTION - ACTING PRESIDENT RONQUILLO

Upon the request of Acting President Ronquillo, Public Works Director Williamson explained the city's parking policy and regulations regarding public entities and their parking needs, advised government vehicles with E-plates were exempt, noted alternatives were looked at, advised of the difficulty in dealing with undercover vehicles and administering the parking system, stated staff thought an agreement was in place with the DEA wherein they mail their citations to the city but advised the DEA discontinued that practice in September when they found out the police department did not have to do that, and recommended the DEA park in one and two hour meters and mail citations back to traffic where they would be forgiven.

Mr. Escobar, DEA, stated they were told by traffic staff to discontinue the practice of mailing tickets to them, advised of the problem they face in front of the Federal Building when they have to be in court for seven to eight hours, and stated their vehicles were E-exempt with placards/pink slips placed on vehicle dashes but the city did not recognize the placards and explained. Upon question of Acting President Ronquillo, Ann Kronberg, DEA, advised they paid for parking in the downtown area.

Discussion ensued with Mr. Escobar, Mr. Williamson and Assistant City Manager Souza responding to questions and/or clarifying issues relative to the need for the DEA to park as close as possible to any place they are needed, staff being amenable to honoring placards if so directed, disguising DEA placards, if parking for DEA would be on a fee or free basis, number of parking spaces needed by DEA daily, other agencies requesting the same courtesy, continuing the practice of mailing tickets to the city with no fee charged, clarification that the city loses revenues by exempting their own vehicles, and suggestion to implement fees for premium downtown parking with reduced rates for lower premium areas.

Citing Council's comments Mr. Williamson advised staff would work with the DEA on a parking fee so the city would not suffer any revenue leakage and for other similar agencies requesting the same courtesy. Upon question of Councilmember Calhoun, Councilmember Duncan, as Redevelopment Agency Chair, stated his support for establishing a fee and enhancing parking revenues whenever possible. Mr. Escobar advised he was not allowed to negotiate on behalf of the Department of Justice but this was a step in the right direction. There was no further discussion.

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### **(3:00 P.M.) APPROVE RECOMMENDATION ON DOWNTOWN ALLEY PARKING PERMITS**

Public Works Director Williamson advised staff met with affected businesses and crime and the basic issue of parking in alleys for years were the two main issues of concern, and advised alternatives were looked at including reduced rates but staff was recommending the discontinuance of alley permits was for the benefit of service delivery and public safety vehicles and noted the city would issue refunds to those people who paid the annual fee.

Speaking in support of the alley permit program were: Bianca Garcia; Maria Ochoa, Joyeria Jalisco (with a translator), who stated vehicles parked in alleys were not in the way of emergency vehicles and displayed photos to illustrate; Walter Canales, 18-year Fulton Mall business owner; Francisco Gutierrez, 30-year Fulton Mall business owner; and Barbara Hunt, 612 "F" Street.

it was a big concern and problem.

Lengthy discussion ensued. Acting President Ronquillo thanked the businesses for remaining downtown and commented on the issue **(8 - 0)** stating the city should not be callous and should assist the businesses with nearby parking and discounted group rates. Councilmember Duncan stated safety was reason enough to move forward with staff's recommendation; noted other businesses paid for parking and he would not agree to subsidized rates and explained; and stated the cost of a parking permit was not that high and made a motion to approve staff's recommendation. Mr. Williamson and Officer Rayburn responded to questions and/or comments of Councilmember Quintero, Acting President Ronquillo and Councilmembers Boyajian and Castillo relative to need for service providers to park in alleys, how much time was allotted to service providers, ticketing service providers, being sensitive to businesses investing downtown and assist them with a graduated parking fee, direction to accommodate business owners with parking nearest to their business and making the direction part of the motion (with Councilmember Duncan stating he would support staff being directed to accommodate them if possible), research performed by Officer Rayburn on the alley parking permits, options being presented by staff not giving Council much of a choice, and how long alley permits had been allowed. Councilmember Castillo stated he believed in loyalty and the city needed to be more willing to reward the businesses who had stuck by downtown, noted the city was now starting to take privileges away, and stressed the city needed to be careful about the direction it was headed and the message being sent to those who have been loyal to downtown.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the discontinuance of alley parking permits hereby approved and a refund to be provided to service providers and Fulton Mall owners on a pro-rated basis, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea
Noes	:	Castillo, Quintero, Ronquillo
Absent	:	None

Mr. Williamson clarified a letter would sent out indicating as of January 15, 2002, the City would be discontinuing alley parking permits and people could come in for a pro-rated refund.

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#### **(2:00 P.M. #4) JOINT MEETING WITH THE RECREATIONAL FACILITIES FINANCING AUTHORITY AND THE REDEVELOPMENT AGENCY**

The City Council met in joint session with the Recreational Facilities Financing Authority and the Redevelopment Agency at the hour of 6:19 p.m.

**(“A”) ELECT A CHAIRPERSON AND VICE CHAIRPERSON, AND APPOINT THE CITY CLERK AS THE SECRETARY FOR THE FRESNO RECREATIONAL FACILITIES FINANCING AUTHORITY (*AUTHORITY ACTION - MEMBERS CASTILLO, DUNCAN AND PRESIDENT PEREA*)**

Duncan elected Chair, Councilmember Castillo elected Vice Chair, and the City Clerk appointed as the Secretary for the Recreational Facilities Financing Authority, by the following vote:

Ayes	:	Castillo, Duncan, Perea
Noes	:	None
Absent	:	None

**(“B”) RESOLUTION - APPROVING AN AGREEMENT REGARDING THE PALM LAKES GOLF COURSE PROPERTIES, AUTHORIZING THE AGENCY DIRECTOR TO SIGN THE AGREEMENT ALONG WITH CITY AND AUTHORITY OFFICIALS AND TO PAY THE CONSIDERATION REFLECTED IN THE AGREEMENT (COUNCIL, AGENCY AND AUTHORITY ACTION)**

Chair Duncan advised two votes would be taken on the issue – one of the Council and Agency together and one of the Recreational Facilities Financing Authority. Councilmember Quintero made a motion to approve the resolution, which motion was seconded by Chair Duncan and acted upon after lengthy discussion.

Upon question of Councilmember Calhoun, City Attorney Montoy and Deputy City Attorney Smith clarified the only issue before the joint bodies was the clearing of a claim by Mr. Stravinski regarding a reversionary right, approval would in no way commit the City, Agency or Authority to negotiate with a particular developer or developers, and clarified legal provisions relative to payment to be made and what would be conveyed.

Acting President Ronquillo commented briefly on the matter and spoke in support of the motion. Extensive discussion ensued with Redevelopment Administrator Murphey, Ms. Montoy and Ms. Smith responding to questions, comments and/or concerns of President Perea and Councilmembers Castillo, Calhoun and Quintero relative to gray issues including improprieties with the release of confidential information, if Mr. Stravinski did have a reversionary right, if the Agency had taken any formal action to date indicating the golf course use would be changed, why it was so urgent to act on the matter before the end of the year, if Mr. Stravinsky had a right to bring any kind of action against the city, potential for a lawsuit if the resolution is not approved, the issue being clearing of title, how Richard Spencer tied into staff’s recommendation (with Ms. Murphey clarifying the reference was included in staff’s report for informational purposes only), including the matter in the Airport Master Plan study, why the city should pay \$130,000 when the city attorney felt the matter could be defended for \$30,000, the HCDC’s consideration of the matter, the matter being triggered by former Mayor Patterson, Council/Agency being the only body that can make any decisions on Palm Lakes golf course, President Perea speaking in opposition to the motion stating to pay \$130,000 of taxpayer money when the Council/Agency had not taken any action to change the designation of the property was very premature, when the property was designated Agency property, criteria used to determine the property blighted, when information was leaked to Mr. Stravinsky and when the property was determined blighted, if the city exchanged money for the property, if the city was under the impression the title was clear, concern with moving too fast, Councilmember Calhoun speaking in opposition to the motion, the matter being before the joint bodies due to Agency direction to proceed forward at the request of Mr. Stravinsky, if the city attorney could clarify concerns raised by President Perea, if the matter was before the joint bodies for the benefit of Mr. Stravinski and tax timing, what the benefit would be to the city, and the matter being a policy call. Councilmember Quintero stated President Perea raised facts he was not aware of and there were too many questions and withdrew his motion, whereupon a motion to approve the resolution was made and seconded by Chair Duncan and Acting President Ronquillo.

property that was clouded stressing if the property was cleared for \$130,000 the city could do what ever it wanted with it, and also noted 60 acres were involved at a value of \$50,000 to \$80,000 an acre. Ms. Smith and Ms. Montoy responded to additional questions of Councilmember Boyajian and/or clarified issues relative to whether Mr. Stravinsky would sue the city if the property use was changed, if the title was clear when the property was purchased, if staff's position was Mr. Stravinski did not have a reversionary interest and there was no cloud in the title, if Mr. Stravinski ever owned the property, and deeding of the property.

Chair Duncan noted this matter had been worked on for six months and this was an opportunity to clear title and begin the process of developing a much needed business park in the area, stated the issue of an IRS benefit for an individual had nothing to do with the city, and stressed the city would get a very valuable piece of property with extraordinary potential and urged the joint bodies to move forward.

A motion of Chair Duncan, seconded by Acting President Ronquillo, to adopt the above entitled Resolution failed, by the following vote:

Ayes	:	Quintero, Ronquillo, Duncan
Noes	:	Boyajian, Calhoun, Castillo, Perea
Absent	:	None

Noting the vote of the Council/Agency failed, Chair Duncan stated there was no need for a vote of the Recreational Facilities Financing Authority.

**(8:30 A.M. "A") DIRECTION TO STAFF TO PREPARE CLEAN UP AMENDMENTS TO THE DEVELOPMENT AGREEMENT AND LAND SALE CONTRACT BETWEEN COMMUNITY MEDICAL CENTER, THE CITY OF FRESNO AND THE REDEVELOPMENT AGENCY RELATED TO THE REGIONAL MEDICAL CENTER CAMPUS PROJECT AND ESTABLISH A \$3.5 MILLION RESERVE FUND (COUNCIL AND AGENCY ACTION)**  
**(CONTINUED FROM EARLIER)**

Laid over to January 15, 2002.

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The joint meeting with the Redevelopment Agency and Recreational Facilities Financing Authority was adjourned at 7:28 p.m. and the City Council reconvened in regular session. Councilmember Quintero left the meeting for a prior appointment as announced earlier.

**(3B) \* RESOLUTION NO. 01-422 - 61<sup>ST</sup> AMENDMENT TO AR 01-200 APPROPRIATING FUNDS FOR DOWNTOWN IMPROVEMENT INITIATIVES, ADA COMPLIANCE AND CERTAIN OTHER TRANSIT NEEDS**

Public Works Director Williamson passed out material and gave a overview of the staff report as submitted. Acting President Ronquillo spoke in support **(10 - 0)** stating this was a smart way to move forward and made a motion to adopt the resolution. Brief discussion ensued with Mr. Williamson and Transit Manager Rudd responding to questions and/or comments of Councilmembers Calhoun, Duncan and Boyajian relative to priority items and Fulton Mall improvements, this being a good plan for downtown, commendations to staff, implementing CNG and grants.

On motion of Acting President Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 01-422 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes	:	None
Absent	:	Quintero

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## ADJOURNMENT

There being no further business to bring before the Council, the hour of 7:45 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

**APPROVED** on the 8<sup>th</sup> day of January, 2002.

_____	ATTEST: _____
Henry Perea, Council President	Yolanda Salazar, Assistant City Clerk